IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 8TH MAY 2007 / 18TH VAISAKHA 1929

Bail Appl..No. 2836 of 2007()

CRIME NO.452/2006 OF BEKAL POLICE STATION

: PETITIONERS/ACCUSED:

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1. ABDUL NAZAR, S/O.LATE B.ABDULLA,
   BEKAL HOUSE, NEAR BEKAL FORT,
   P.O. PALLIKARA-671 316, KASARAGODE.

2. K. HAMSA, S/O. SHAIKO MASTER,
   AGED 50 YEARS, BEKAL HOUSE, NEAR BEKAL FORT,
   P.O. PALLIKARA-671 316, KASARAGODE.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: RESPONDENT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.452/2006
OF BEKAL POLICE STATION).

BY PP SRI AMJAD ALI

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 08/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.BALACHANDRAN, J.

B. A. No.2836 of 2008

Dated this the 6th day of May, 2008

ORDER

This is an application for anticipatory bail filed under Section 438 of the Cr.P.C.

The petitioner is accused in CR. No.2/08 of Kunnamkulam Excise Range registered for offence under Section 55(a) and (i) of the Abkari Act consequent on detection of possession by him of 15 litres of coloured illicit liquor. It is contended by the counsel for the petitioner that the petitioner is one who requires consistent medical treatment for clotting of blood in brain as could be evidenced from Annexures-I to III and that application for anticipatory bail filed by him before the Sessions Court as also before this Court were dismissed respectively vide Annexures-III and IV. The occurrence has taken place on 04/03/08 and till now the investigating agency could not apprehend the petitioner despite refusal of anticipatory bail vide Annexures-III and IV orders passed respectively on 22/03/08 and 04/04/08. In the circumstances, I am of the view that the investigating agency is not at all keen in making any progress in the

investigation of the case and that the assistance of the court is required to have the accused apprehended. For the purpose it is necessary that the petitioner is granted anticipatory bail though however, imposing stringent conditions.

In the result, allowing this application, I direct that the petitioner shall surrender before the Magistrate concerned positively on or before 13/5/2008 and shall deposit by way of cash security an amount of Rs.5,000/- and shall thereafter execute bail bond for Rs.15,000/- with two solvent sureties each for the like sums to the satisfaction of the Magistrate.

On the above conditions being satisfied the petitioner can be enlarged on bail.

On such release, the petitioner shall appear before the Investigating Officer between 10 a.m. and 12 noon on all days for a period of two weeks and thereafter on every alternate days for a period of one month and thereafter on all Tuesdays and Fridays only till the investigation in the case is over and final report is laid.

The above directions shall not stand in the way of the Investigating Agency seeking for custodial interrogation of the petitioner, if need be, and the Magistrate granting it if deemed fit,

necessary and legal.

On release, the petitioner shall co-operate with the investigation in the case, shall not get himself involved in commission of any offence, shall not influence or intimidate the witnesses in the case and shall not, except for the purpose of appearing before the Investigating Officer, move beyond the territorial limits of the town in which he is having his permanent residence, the details of which shall be furnished to the Court and to the Investigating Officer immediately on release on bail.

K.P.BALACHANDRAN,
JUDGE

kns/-